

Appl. No. 10/635,352  
Art Unit: 3635  
Docket: 0156-P02890US01

1

**Attachment B-2  
Remarks**

**REMARKS**

Claim 16 was withdrawn from consideration, but has been amended to define the invention consisting of the combination of a tubular shell and base with a frame as defined in claim 10. Claim 1 has been amended to define a combination dependent upon claim 16 and claims 29-34 define further components of the combination which are believed patentable along with the frame as defined in claim 10.

In amending claim 16, Applicant corrected the informality noted by the Examiner. Claims 17, and 19-26 are dependent upon claim 11 which was rejected as being unpatentable as obvious over Davis US 5,956,920.

Claim 11 has been amended to define the environment of the novel frame apparatus of Applicant's invention in which the frame is constructed of interlocking pieces adapted to surround an upright tubular shell at its joint with a transverse support. The claim furthermore sets forth that each of the interlocking pieces has a first extension with a channel closed at one end adjacent the junction with a second extension and open at its distal end. Furthermore, the claim requires that the second extension of each piece further comprises at least one breakable joint configured to be broken apart to change the length of the second extension to a desired length. This claim defines the structure of the hollow rectangular frame which enables the second extensions of each piece be adjusted in length to change the length of the second extension and thereby the dimensions of the rectangular frame. The breakable joints are required because the channel in the first extensions are closed at the proximal end so that in order to reduce the dimensions of the frame, the second extensions must have breakable joints, as defined in claim 11. The Davis patent does not teach or suggest a rectangular frame comprised of interlocking pieces all of which have at least one breakable joint in the second extension as defined in claim 11. Claim 11 is therefore properly patentable to Applicants.

It should be pointed out that the present invention is designed to enable assembly of the post and trim to be achieved by a worker with minimal skills. To this end, Applicants have provided an enhancement as defined in claim 12 wherein each of the breakable joints has an adjoining indicia indicative of a selected finished dimension corresponding to the selected width dimension or a selected length dimension of a tubular shell adapted to be surrounded by the frame. The Examiner rejected claim 12 as unpatentable over Davis in view of Paul. Although Paul discloses a ceiling grid element which is marked at selected

**Appl. No. 10/635,352**  
**Art Unit: 3635**  
**Docket: 0156-P02890US01**

**2****Attachment B-2  
Remarks**

positions along its length to indicate various lengths, such markings do not have adjacent indicia to guide the workman. Furthermore, the markings of the Paul patent are not stated to be breakable joints, as required by Applicants' claims. Thus, claims 11 and 12 are believed patentable over the Davis and Paul patents.

Claim 17 is dependent upon claim 11 and further defines the frame apparatus to include ratchet teeth inside the channel of the first trim piece engaging ratchet teeth in the second trim piece. The references do not teach or suggest ratchet teeth to lockingly engage the trim pieces together as defined in claim 17.

Claims 19-25 have been amended to set forth that the couplings are ratchet teeth. Claim 26 defines the apparatus as defined in claim 25 with the scored sections. With the incorporation of the ratchet teeth in these claims, claims 17-26 are believed allowable along with claim 10.

Thus, the 20 claims remaining in the application are believed to be properly patentable to Applicants and favorable reconsideration leading to prompt passage of the case to issue is respectfully requested.